

AMENDED IN SENATE MAY 4, 2009

SENATE BILL

No. 605

Introduced by Senator Ashburn

February 27, 2009

An act to ~~amend Section 21080.21~~ *add and repeal Section 21080.23.5* of the Public Resources Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 605, as amended, Ashburn. California Environmental Quality Act: biogas pipelines: exemption.

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. ~~CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.~~ CEQA provides some exemptions from its requirements for specified projects, including for a project of less than one mile in length within a public street or highway or another public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline. ~~CEQA also exempts from its requirements a project that consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement,~~

or removal of an existing pipeline, as defined, if specified conditions are met, ~~including that the project is less than 8 miles in length.~~

This bill would exempt from CEQA a project of less than 8 miles in length within a public street or highway or another public right-of-way for the installation of a new pipeline, or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, that is used to transport biogas *provide that until January 1, 2013, for purposes of that exemption, “pipeline” also means a pipeline located in Fresno, Kern, Kings, or Tulare County, that is used to transport biogas, as the bill would define that term, and that meets the existing requirements for the exemption and all local, state, and federal laws.* Because a lead agency would be required to determine the applicability of the exemption, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 21080.21 of the Public Resources Code~~
2 ~~is amended to read:~~
3 ~~21080.21. (a) This division does not apply to a project of less~~
4 ~~than one mile in length within a public street or highway or another~~
5 ~~public right-of-way for the installation of a new pipeline or the~~
6 ~~maintenance, repair, restoration, reconditioning, relocation,~~
7 ~~replacement, removal, or demolition of an existing pipeline. For~~
8 ~~purposes of this subdivision, “pipeline” includes subsurface~~
9 ~~facilities but does not include a surface facility related to the~~
10 ~~operation of the underground facility.~~
11 ~~(b) This division does not apply to a project of less than eight~~
12 ~~miles in length within a public street or highway or another public~~
13 ~~right-of-way for the installation of a new pipeline, or the~~
14 ~~maintenance, repair, restoration, reconditioning, relocation,~~
15 ~~replacement, removal, or demolition of an existing pipeline, that~~
16 ~~is used to transport biogas.~~

1 *SECTION 1. Section 21080.23.5 is added to the Public*
2 *Resources Code, to read:*

3 *21080.23.5. (a) For purposes of Section 21080.23, “pipeline”*
4 *also means a pipeline located in Fresno, Kern, Kings, or Tulare*
5 *County, that is used to transport biogas, and meeting the*
6 *requirements of Section 21080.23 and all local, state, and federal*
7 *laws.*

8 *(b) For purposes of this section, “biogas” means natural gas*
9 *that meets the requirements of Section 2292.5 of Title 13 of the*
10 *California Code of Regulations and is derived from anaerobic*
11 *digestion of dairy animal waste.*

12 *(c) This section shall remain in effect only until January 1, 2013,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2013, deletes or extends that date.*

15 *SEC. 2. The Legislature finds and declares that a special law*
16 *is necessary and that a general law cannot be made applicable*
17 *within the meaning of Section 16 of Article IV of the California*
18 *Constitution because of the unique circumstances concerning*
19 *dealing with biogas in Fresno, Kern, Kings, and Tulare Counties.*

20 ~~SEC. 2.~~

21 *SEC. 3. No reimbursement is required by this act pursuant to*
22 *Section 6 of Article XIII B of the California Constitution because*
23 *a local agency or school district has the authority to levy service*
24 *charges, fees, or assessments sufficient to pay for the program or*
25 *level of service mandated by this act, within the meaning of Section*
26 *17556 of the Government Code.*